

AMENDED IN SENATE JUNE 30, 2011

AMENDED IN ASSEMBLY MAY 27, 2011

AMENDED IN ASSEMBLY APRIL 11, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

## ASSEMBLY BILL

**No. 359**

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**Introduced by Assembly Member Huffman**

February 14, 2011

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An act to amend Sections 10752, ~~10753.2~~, 10753, 10753.2, 10753.4, 10753.5, and 10753.7 of, *and to add Section 10753.11 to*, the Water Code, relating to groundwater.

### LEGISLATIVE COUNSEL'S DIGEST

AB 359, as amended, Huffman. Groundwater management plans.

(1) Existing law authorizes specified local agencies that provide water service to adopt and implement a groundwater management plan. Existing law requires a local agency that elects to develop a groundwater management plan to hold a hearing prior to adopting a resolution of intention to draft a plan and, after the plan is prepared, to hold a 2nd hearing to determine whether to adopt the plan. Existing law requires the local agency to publish a specified notice before each of these hearings. *Existing law requires a local agency to prepare a groundwater management plan within 2 years of the date of the adoption of the resolution of intention.*

This bill would require the local agency to provide a copy of a resolution of intention to the Department of Water Resources within 30 days of the date of adoption. The bill would authorize ~~an interested any person or entity~~ to request, ~~and require the local agency, upon written request, to provide, a copy of the proposed groundwater~~

~~management plan to that interested person or entity to be placed on a list established by the local agency for purposes of receiving notices regarding plan preparation, meeting announcements, and availability of draft plans, maps, and other relevant documents. The bill would require the local agency to provide each of those interested persons and entities and the department with a specified notice at least 30 days prior to the commencement of prior to the 2nd hearing to determine whether to adopt the plan. The bill would require, if a groundwater management plan is not adopted within 2 years of the date of the adoption of a resolution of intention and the local agency is operating under a previously adopted groundwater management plan, that the previously adopted plan remain in effect. The bill would require the department to post on its Internet Web site the information the department possesses regarding the local agencies that have jurisdiction to develop groundwater management plans and information regarding groundwater management plans provided by local agencies and specified groundwater monitoring entities.~~

(2) Existing law requires a local agency seeking specified state funds for certain groundwater projects to include in a groundwater management plan various components, including components relating to the monitoring and management of groundwater levels within the groundwater basin.

This bill would specify that the groundwater projects to which these requirements apply include projects that are part of an integrated regional water management program or plan. The bill, commencing January 1, 2013, would additionally require a map identifying the recharge areas, as defined, for the groundwater basin to be included in a groundwater management plan for purposes of the state funding requirements. The bill would require the local agency to provide the map of the recharge areas to local planning agencies and notify ~~organizations representing landowners within the recharge areas~~ the department and other interested persons when a map is submitted to those local planning agencies.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 10752 of the Water Code is amended to  
2 read:

1 10752. Unless the context otherwise requires, the following  
2 definitions govern the construction of this part:

3 (a) “Groundwater” means all water beneath the surface of the  
4 earth within the zone below the water table in which the soil is  
5 completely saturated with water, but does not include water that  
6 flows in known and definite channels.

7 (b) “Groundwater basin” means any basin or subbasin identified  
8 in the department’s Bulletin No. 118, dated September 1975, and  
9 any amendments to that bulletin, but does not include a basin in  
10 which the average well yield, excluding domestic wells that supply  
11 water to a single-unit dwelling, is less than 100 gallons per minute.

12 (c) “Groundwater extraction facility” means a device or method  
13 for the extraction of groundwater within a groundwater basin.

14 (d) “Groundwater management plan” or “plan” means a  
15 document that describes the activities intended to be included in  
16 a groundwater management program.

17 (e) “Groundwater management program” or “program” means  
18 a coordinated and ongoing activity undertaken for the benefit of  
19 a groundwater basin, or a portion of a groundwater basin, pursuant  
20 to a groundwater management plan adopted pursuant to this part.

21 (f) “Groundwater recharge” means the augmentation of  
22 groundwater, by natural or artificial means, with surface water or  
23 recycled water.

24 (g) “Local agency” means a local public agency that provides  
25 water service to all or a portion of its service area, and includes a  
26 joint powers authority formed by local public agencies that provide  
27 water service.

28 (h) “*Person*” has the same meaning as defined in Section 19.

29 ~~(h)~~

30 (i) “Recharge area” means the area that supplies water to an  
31 aquifer in a groundwater basin and includes multiple wellhead  
32 protection areas.

33 ~~(i)~~

34 (j) “Watermaster” means a watermaster appointed by a court  
35 or pursuant to other provisions of law.

36 ~~(j)~~

37 (k) “Wellhead protection area” means the surface and subsurface  
38 area surrounding a water well or well field that supplies a public  
39 water system through which contaminants are reasonably likely  
40 to migrate toward the water well or well field.

1     *SEC. 2. Section 10753 of the Water Code is amended to read:*

2     10753. (a) Any local agency, whose service area includes a  
3 groundwater basin, or a portion of a groundwater basin, that is not  
4 subject to groundwater management pursuant to other provisions  
5 of law or a court order, judgment, or decree, may, by ordinance,  
6 or by resolution if the local agency is not authorized to act by  
7 ordinance, adopt and implement a groundwater management plan  
8 pursuant to this part within all or a portion of its service area.

9     (b) Notwithstanding subdivision (a), a local public agency, other  
10 than an agency defined in subdivision (g) of Section 10752, that  
11 provides flood control, groundwater management, or groundwater  
12 replenishment, or a local agency formed pursuant to this code for  
13 the principal purpose of providing water service that has not yet  
14 provided that service, may exercise the authority of this part within  
15 a groundwater basin that is located within its boundaries within  
16 areas that are either of the following:

17     (1) Not served by a local agency.

18     (2) Served by a local agency whose governing body, by a  
19 majority vote, declines to exercise the authority of this part and  
20 enters into an agreement with the local public agency pursuant to  
21 Section 10750.7 or 10750.8.

22     (c) *Except as provided in subdivision (b), this chapter does not*  
23 *authorize a local agency with authority to manage groundwater*  
24 *planning within the service area of another local agency.*

25     (d) *Except as otherwise provided in this part, the process for*  
26 *developing and adopting a revised groundwater management plan*  
27 *shall be the same as the process for developing and adopting a*  
28 *new groundwater management plan.*

29     ~~SEC. 2.~~

30     *SEC. 3. Section 10753.2 of the Water Code is amended to read:*

31     10753.2. (a) Prior to adopting a resolution of intention to draft  
32 a groundwater management plan, a local agency shall hold a  
33 hearing, after publication of notice pursuant to Section 6066 of  
34 the Government Code, on whether or not to adopt a resolution of  
35 intention to draft a groundwater management plan pursuant to this  
36 part for the purposes of implementing the plan and establishing a  
37 groundwater management program.

38     (b) At the conclusion of the hearing, the local agency may draft  
39 a resolution of intention to adopt a groundwater management plan

1 pursuant to this part for the purposes of implementing the plan and  
2 establishing a groundwater management program.

3 (c) The local agency shall provide to the department a copy of  
4 a resolution of intention adopted pursuant to this section within  
5 30 days of the date of adoption. The local agency shall also provide  
6 to the department contact information for the person in charge of  
7 drafting the groundwater management plan.

8 *(d) The department shall post on its Internet Web site*  
9 *information it possesses regarding groundwater management plans*  
10 *being prepared or adopted pursuant to this part, including*  
11 *information provided by local agencies identified pursuant to this*  
12 *section, and monitoring entities identified pursuant to Sections*  
13 *10928 and 10930.*

14 *SEC. 4. Section 10753.4 of the Water Code is amended to read:*

15 10753.4. (a) The local agency shall prepare a groundwater  
16 management plan within two years of the date of the adoption of  
17 the resolution of intention. ~~If~~

18 *(1) If the plan is not adopted within two years, the resolution of*  
19 *intention expires, and no a plan may shall not be adopted except*  
20 *pursuant to a new resolution of intention adopted in accordance*  
21 *with this chapter.*

22 *(2) If the plan is not adopted within two years, and the local*  
23 *agency was operating under a previously adopted groundwater*  
24 *management plan, that previous plan shall remain in effect.*

25 (b) For the purposes of carrying out this part, the local agency  
26 shall make available to the public *and the department* a written  
27 statement describing the manner in which interested parties may  
28 participate in developing the groundwater management plan. The  
29 local agency may appoint, and consult with, a technical advisory  
30 committee consisting of interested parties for the purposes of  
31 carrying out this part.

32 *(c) The local agency shall establish and maintain a list of*  
33 *persons interested in receiving notices regarding plan preparation,*  
34 *meeting announcements, and availability of draft plans, maps, and*  
35 *other relevant documents. Any person may request, in writing, to*  
36 *be placed on the list of interested persons.*

37 ~~SEC. 3.~~

38 *SEC. 5. Section 10753.5 of the Water Code is amended to read:*

39 10753.5. (a) After a groundwater management plan is prepared,  
40 the local agency shall hold a second hearing to determine whether

1 to adopt the plan. Notice of the hearing shall be given pursuant to  
2 Section 6066 of the Government Code. *Notice shall also be*  
3 *provided to the department and to all persons on the list established*  
4 *and maintained pursuant to subdivision (c) of Section 10753.4.*  
5 The notice shall include a summary of the plan and shall state that  
6 copies of the plan *and any maps that may be prepared pursuant*  
7 *to this part* may be obtained for the cost of reproduction at the  
8 office of the local agency.

9 (b) At the second hearing, the local agency shall consider  
10 protests to the adoption of the plan. At any time prior to the  
11 conclusion of the second hearing, any landowner within the local  
12 agency may file a written protest or withdraw a protest previously  
13 filed.

14 ~~(c) (1) Any person or entity may request, in writing, a local~~  
15 ~~agency preparing a groundwater management plan to place that~~  
16 ~~person or entity on a list of persons interested in receiving notices~~  
17 ~~regarding plan preparation and copies of draft documents. Upon~~  
18 ~~receipt of a written request prior to the commencement of the~~  
19 ~~second hearing, the local agency shall provide any interested person~~  
20 ~~or entity with a copy of the proposed groundwater management~~  
21 ~~plan and maps identifying recharge areas that are prepared pursuant~~  
22 ~~to this part. These documents shall be provided for the cost of~~  
23 ~~reproduction incurred by the local agency. If a document is~~  
24 ~~requested in electronic format, the cost of reproduction shall be~~  
25 ~~limited to the direct cost of producing a copy in electronic format.~~

26 ~~(2) At least 30 days prior to the commencement of the second~~  
27 ~~hearing, the local agency shall provide notice of the date, time,~~  
28 ~~and place of the second hearing, either by mail or electronically,~~  
29 ~~to each interested person and entity that requests information~~  
30 ~~pursuant to paragraph (1) prior to that date.~~

31 ~~(3) The failure to meet the requirements of this subdivision does~~  
32 ~~not make the adoption of a groundwater management plan invalid.~~

33 ~~(d) The department shall post on its Internet Web site, consistent~~  
34 ~~with Section 10930, the information the department possesses~~  
35 ~~regarding the local agencies that have jurisdiction to develop~~  
36 ~~groundwater management plans and maps pursuant to this part,~~  
37 ~~including information it has collected pursuant to Sections 10753.2~~  
38 ~~and 10928.~~

39 SEC. 4.

40 SEC. 6. Section 10753.7 of the Water Code is amended to read:

10753.7. (a) For the purposes of qualifying as a groundwater management plan under this section, a plan shall contain the components that are set forth in this section. In addition to the requirements of a specific funding program, a local agency seeking state funds administered by the department for groundwater projects or groundwater quality projects, including projects that are part of an integrated regional water management program or plan, and excluding programs that are funded under Part 2.78 (commencing with Section 10795), shall do all of the following:

(1) Prepare and implement a groundwater management plan that includes basin management objectives for the groundwater basin that is subject to the plan. The plan shall include components relating to the monitoring and management of groundwater levels within the groundwater basin, groundwater quality degradation, inelastic land surface subsidence, changes in surface flow and surface water quality that directly affect groundwater levels or quality or are caused by groundwater pumping in the basin, and a description of how recharge areas identified in the plan substantially contribute to the replenishment of the groundwater basin.

(2) For purposes of implementing paragraph (1), the local agency shall prepare a plan to involve other agencies that enables the local agency to work cooperatively with other public entities whose service area or boundary overlies the groundwater basin.

(3) For purposes of implementing paragraph (1), the local agency shall prepare a map that details the area of the groundwater basin, as defined in the department's Bulletin No. 118, and the area of the local agency, that will be subject to the plan, as well as the boundaries of other local agencies that overlie the basin in which the agency is developing a groundwater management plan.

(4) (A) Commencing January 1, 2013, for purposes of implementing paragraph (1), the groundwater management plan shall include a map identifying the recharge areas for the groundwater basin.

(B) The local agency shall provide the map required pursuant to subparagraph (A) to the appropriate local planning agencies after adoption of the groundwater management plan.

(C) Upon submitting a map pursuant to subparagraph (B), the local agency shall notify organizations representing landowners within the recharge areas. At a minimum, the notice shall be

1 ~~provided to the following organizations: (i) the California Farm~~  
2 ~~Bureau Federation, (ii) the Western Growers Association, (iii) the~~  
3 ~~California Cattlemen's Association, and (iv) the California~~  
4 ~~Chamber of Commerce.~~ *local agency shall notify the department*  
5 *and all persons on the list established and maintained pursuant*  
6 *to subdivision (c) of Section 10753.4.*

7 (D) For purposes of this paragraph, “map identifying the  
8 recharge areas” means a map that identifies, or maps that identify,  
9 the current recharge areas that substantially contribute to the  
10 replenishment of the groundwater basin.

11 (5) The local agency shall adopt monitoring protocols that are  
12 designed to detect changes in groundwater levels, groundwater  
13 quality, inelastic surface subsidence for basins for which  
14 subsidence has been identified as a potential problem, and flow  
15 and quality of surface water that directly affect groundwater levels  
16 or quality or are caused by groundwater pumping in the basin. The  
17 monitoring protocols shall be designed to generate information  
18 that promotes efficient and effective groundwater management.

19 (6) Local agencies that are located in areas outside the  
20 groundwater basins delineated on the latest edition of the  
21 department's groundwater basin and subbasin map shall prepare  
22 groundwater management plans incorporating the components in  
23 this subdivision, and shall use geologic and hydrologic principles  
24 appropriate to those areas.

25 (b) (1) (A) A local agency may receive state funds administered  
26 by the department for groundwater projects or for other projects  
27 that directly affect groundwater levels or quality if it prepares and  
28 implements, participates in, or consents to be subject to, a  
29 groundwater management plan, a basinwide management plan, or  
30 other integrated regional water management program or plan that  
31 meets, or is in the process of meeting, the requirements of  
32 subdivision (a). A local agency with an existing groundwater  
33 management plan that meets the requirements of subdivision (a),  
34 or a local agency that completes an update of its plan to meet the  
35 requirements of subdivision (a) within one year of applying for  
36 funds, shall be given priority consideration for state funds  
37 administered by the department over local agencies that are in the  
38 process of developing a groundwater management plan. The  
39 department shall withhold funds from the project until the update  
40 of the groundwater management plan is complete.



1 (B) Notwithstanding subparagraph (A), a local agency that  
2 manages groundwater under any other provision of existing law  
3 that meets the requirements of subdivision (a), or that completes  
4 an update of its plan to meet the requirements of subdivision (a)  
5 within one year of applying for funding, shall be eligible for  
6 funding administered by the department. The department shall  
7 withhold funds from a project until the update of the groundwater  
8 management plan is complete.

9 (C) Notwithstanding subparagraph (A), a local agency that  
10 conforms to the requirements of an adjudication of water rights in  
11 the groundwater basin is in compliance with subdivision (a). For  
12 purposes of this subparagraph, an “adjudication” includes an  
13 adjudication under Section 2101, an administrative adjudication,  
14 and an adjudication in state or federal court.

15 (D) Subparagraphs (A) and (B) do not apply to proposals for  
16 funding under Part 2.78 (commencing with Section 10795), or to  
17 funds authorized or appropriated prior to September 1, 2002.

18 (E) A local agency may request state funds to map groundwater  
19 recharge areas pursuant to paragraph (4) of subdivision (a) to the  
20 extent that the request for state funds is consistent with eligibility  
21 requirements that are applicable to the use of the requested funds.

22 (2) Upon the adoption of a groundwater management plan in  
23 accordance with this part, the local agency shall submit a copy of  
24 the plan to the department, in an electronic format, if practicable,  
25 approved by the department. The department shall make available  
26 to the public copies of the plan received pursuant to this part.

27 *SEC. 7. Section 10753.11 is added to the Water Code, to read:*

28 *10753.11. A plan shall not be considered invalid, and the local*  
29 *agency shall not be required to recirculate the plan for public*  
30 *comment or to delay implementation of the plan, if the local agency*  
31 *substantially complies with the public notice provisions of this*  
32 *chapter.*